

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:15-cr-00407-MC

v.

ORDER

KENNETH MEDENBACH,

Defendant.

MCSHANE, J.

After trial, the jury found Defendant Kenneth Medenbach guilty of Unlawful Camping and with Unlawful Occupancy on public lands of the U.S. Bureau of Land Management (BLM). Defendant now moves to dismiss. I deny the motion.

DISCUSSION

Defendant contends that the phrase “other property” in Article IV, section 3, clause 2 of the U.S. Constitution refers only to houses, barns, fences, and similar structures, and does not allow the United States to own and administer land in Oregon. Defendant argues that the Supreme Court wrongly decided otherwise in *United States v. Gratiot*, 39 U.S. (14 Pet.) 526, 537 (1840).

Defendant has not shown any valid basis for disregarding the Supreme Court's venerable holding in *Gratiot*. This court must follow binding precedent. I deny Defendant's motion to dismiss.

CONCLUSION

Defendant's motion to dismiss (#60) is denied.

IT IS SO ORDERED.

DATED this 13th day of June, 2016.

A handwritten signature in black ink, appearing to read 'Michael McShane', written over a horizontal line.

MICHAEL MCSHANE
United States District Judge